



LINA HIDALGO

October 22, 2020

The Honorable Greg Abbott
Governor of the State of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

Dear Governor Abbott,

I am writing to ask for your assurance that you agree with the opinion of the Texas Secretary of State that drive-thru voting is legal under existing state statute and for you to protect the voting rights of Harris County voters by using your authority as Governor to proclaim approval for drive-thru voting and to guarantee the validity of votes being cast at these locations.

As you are aware, Attorney General Ken Paxton has cast a cloud of uncertainty over drive-thru voting by publicly questioning its legal status in a letter sent to Texas elections officials on October 16th. The Texas Republican Party has also legally challenged drive-thru voting, and the party's suit is still pending before the Texas Supreme Court.

Just yesterday, Rob Henneke, a prominent GOP attorney and General Counsel of the Texas Public Policy Foundation, a leading right-wing think tank, even publicly raised the question of whether ballots cast at drive-thru facilities could be invalidated.

Let me be perfectly clear: Drive-thru voting is a legal, safe, and secure way to vote. It is a common sense way for citizens to exercise their fundamental right to vote, particularly during a pandemic. The Texas Election Code allows it, and Secretary of State Ruth Hughs approved it.

Even so, in response to Attorney General Paxton's letter, we have repeatedly asked Secretary of State Hughs to reassure elections officials and voters that she stands by her office's opinion, which was used by Harris County Commissioners Court to approve the ten drive-thru voting centers currently in use for the November general election.

Thus far, our requests have been met by silence. This is unacceptable. It is the Secretary of State's statutory duty to advise and assist elections officials on election matters and we continue to ask for her engagement on this issue to put this matter to rest.

In absence of such an assurance, we can only conclude that state officials, in concert with the Texas Republican Party, are laying the groundwork to intentionally disenfranchise the tens of thousands of Harris County voters who have utilized drive-thru voting by invalidating their votes. If this were to come to pass, it would be an outrageous act of voter suppression and an overt attack on the basic constitutional rights of our citizens.

My North Star as County Judge is to ensure all votes are counted, whichever way people vote. Over the past year and a half, Harris County has invested over \$31 million to increase secure voter access. We've built an infrastructure to ensure citizens can vote safely, conveniently, and securely. We have done our part to strengthen our elections, only to be challenged at every turn by those seeking to suppress voter participation. I'm disturbed at the possibility that there may be an attempt to disenfranchise some voters.

Harris County has acted in accordance with the law and with the guidance of a Secretary of State you appointed. You've used your emergency powers to extend early voting periods and to limit counties to only one mail ballot drop-off facility, and we hope you will now use that power to assure the voters of Harris County 1) that the validity of drive-thru voting is not in question and 2) that every eligible vote cast this way will count. While we wait this week on a ruling from the Texas Supreme Court or clarity from you and Secretary Hughs, I will continue to advocate for the course of action that will protect the voting rights of our citizens.

We await your response.

Respectfully,



Lina Hidalgo
Harris County Judge